



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.15336 of 2018

S.R.Radhakrishna Raja

... Petitioner

Vs.

1. The State rep by
Director General of Police
Law and Order
Chennai
2. The State rep. by
The Inspector General of Police
South Zone
Madurai.
3. The State rep by
The Superintendent of Police
CBCID, South Zone
Cidco Electronic Complex
Guindy, Chennai
4. The State rep by
The Superintendent of Police
Virudhunagar
5. The State rep by
The Inspector of Police
South Police Station
Rajapalayam
Crime No.5 of 2016
6. The State rep by
The Inspector of Police
District Crime Branch
Virudhunagar
Virudhunagar District

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 to 4 to order for fresh investigation or re- investigation of the case registered in Crime No. 5 of 2016 on the file of the fifth respondent (Rajapalayam South



Police Station) and to entrust the same to the third respondent for fresh investigation and to submit a report within such time frame and to monitor the same by an officers not below the rank of Superintendent of Police.

For Petitioner

: Mr.G.Mariappan

For Respondents

: Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

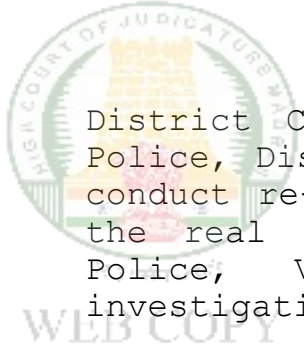
This Criminal Original Petition has been filed for a re-investigation of the case that was registered in Crime No.5 of 2016 by the fifth respondent and which was subsequently closed as 'Action Dropped ' by way of Final Report dated 23.03.2016.

2. The petitioner is the brother of the deceased and it is seen from the records that on 02.01.2016 at about 12.30 a.m, the petitioner received a communication to the effect that his brother Jeganatha Raja is dead. He rushed to the house and found that the body of his brother was in the hall, 4 or 5 feet away from the stairs and the body was lying in the pool of blood. Based on the complaint given by the wife of the deceased, the fifth respondent registered a case in Crime No. 5 of 2016 under Section 174 of Cr.P.C. On investigation the fifth respondent had filed a Final Report on 23.03.2016 to the effect that the death happened since the petitioner had fallen down from the steps and therefore further action was dropped.

3. The petitioner has sent representations right from December 2016 to the respondents stating that there is a suspicion in the death of his brother and the manner in which the body was found in the hall, the death could not have happened by merely falling down from the stairs. The petitioner had also named certain persons against whom there is suspicion and who according to the petitioner are responsible for the death of his brother.

4. The learned Government Advocate (Crl.Side) would submit that based on the representation made by the petitioner, the Superintendent of Police, Virudhunagar District had re-opened the filed and handed over the case for investigation to the Inspector of Police, District Crime Branch, Virudhunagar District and has directed to investigate the case afresh. It is also submitted that the CD file has already been handed over on 25.07.2018 to the Inspector of Police, District Crime Branch, Virudhunagar District .

5. In view of the subsequent developments, no further orders are required to be passed in this Criminal Original Petition . It is made clear that the Superintendent of Police, Virudhunagar District has to monitor the investigation done by the Inspector of Police,



District Crime Branch, Virudhunagar District. The Inspector of Police, District Crime Branch, Virudhunagar District is directed to conduct re- investigation into the entire case and bring to book the real accused persons in this case. The Superintendent of Police, Virudhunagar District shall strictly monitor the investigation.

6. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar (cs-I)

To

1. The Director General of Police
Law and Order
Chennai
2. The Inspector General of Police
South Zone
Madurai.
3. The Superintendent of Police
CBCID, South Zone
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Guindy, Chennai
4. The Superintendent of Police
Virudhunagar
5. The Inspector of Police
South Police Station
Rajapalayam
6. The Inspector of Police
District Crime Branch
Virudhunagar
Virudhunagar District
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc To Mr.G.Mariappan, Advocate in SR.NO.80823.

AAV

DS/SKN/SAR-1 :10.09.2018: 3P/9C

Cr1.O.P. (MD) No.15336 of 2018
29.08.2018